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The Constitution and What It Means Today (6th Ed.)(Book Review)

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BOOK REVIEWS

THE CONSTITUTION AND WHAT IT MEANS TODAY. By Edwin S. Corwin. Sixth Edition. Princeton: Princeton University Press, 1938, pp. xxviii, 215.

The sixth edition of this valuable work is published at a time that is most opportune. In it the author has incorporated a consideration of those momentous decisions which have been handed down by the Supreme Court during the past few years.

Although the ink is barely dry upon the previous edition, the publication of the present one is thoroughly warranted. A work of this type requires frequent revising. This is especially so, when, as the title imports, the author is endeavoring to interpret the Constitution today; to reflect its meaning today as promulgated by its final, supreme interpreter. This objective, of course, can be adequately accomplished only by so spacing the editions as to keep abreast of the most recent pronouncements of the Supreme Court.

The method employed by the author in presenting his material is eminently adapted to effectuate his purpose. He considers the Constitution in its entirety, paragraph by paragraph, from the preamble to the child labor amendment, now pending before the states for ratification or rejection. Under each paragraph he has, with rare sagacity and discrimination, selected pertinent cases, old and new, well calculated to reflect the ever broadening interpretation placed upon the Constitution by the Supreme Court under the pressure of ever increasing difficulties and ever more trying exigencies and crises in our national affairs. In this way, by the use of carefully selected cases, considered in historical sequence, the author has succeeded in showing, step by step, the meaning of the Constitution, elucidated by reference to what it meant in the past.

Obviously this method of presentation has several distinct advantages. In the first place by proceeding in this way, the author has used the order which the framers adopted only after mature deliberation. A glance at the Constitution discloses how logically its provisions are stated, and how lucidly and sharply it marks out the great divisions of our government. In the second place, it enables those who are beginners in the field of constitutional law to follow both easily and intelligently the specific provision and its present meaning. Finally, it makes the information readily accessible.

Physically the book is of diminutive proportions. It contains but two hundred and fifteen pages. It can conveniently be read at one sitting. This observation, however, should not be construed as an intimation that the book is uninformative, or that the author has treated his subject superficially. On the contrary, it may be unqualifiedly affirmed that the limitations of space have not noticeably restricted the author in presenting an abundance of information, seasoned, sound and well rounded out. This can be attributed to the fact that, besides his scholarship, the author possesses a style which is crisp, concise and at the same time, lucid. No words are wasted: none are used unless they assist in conveying full and clear-cut impressions. This assertion can be most effectually established by the observation that within the covers of this unpretentious volume over three hundred cases are considered.

The volume fulfills every expectation which its title is calculated to inspire. One cannot lay it aside without a renewed and revitalized reverence for our Constitution and for those learned men, who throughout our history and in ever changing circumstances have interpreted it. One is pleased to find an

author who has discussed the Constitution, the Supreme Court, and its decisions intelligently and sympathetically, without that carping, unconstructive-critical, if not downright insolent attitude to which we have become all too accustomed today—an attitude which is unfortunately found prevalent in both high and low places. This book, therefore, renders an outstanding service both to the court and to the American people. For here is presented an undistorted record of the true dignity and the perennial importance of our Supreme Court during the entire period of our history.

This work has been deservedly a classic for decades. It has had a wide audience in the past; it should have a wider one now, and an ever widening one in the future. Anyone interested in our form of government, its processes, functions and operations, should not neglect to read this valuable book.

GEORGE F. KEENAN.*

GOVERNMENT CORPORATIONS AND STATE LAW. By Ruth G. Weintraub. New York: Columbia University Press, 1939, pp. 200.

This book is a factual study of the influence of state law on National Government corporations and the reaction of the latter on state law.

The author uses the term Government Corporation rather than Government Owned Corporation or Government Proprietary Corporation because both of the last two terms are too narrow. The term Government Owned Corporation is too narrow since there are organizations which have been authorized by the National Government and have been held to be instrumentalities of the United States and yet they are neither entirely owned by, nor subject to, a board of directors chosen by the Government. On the other hand, the term Government Proprietary Corporation is also too narrow because the "governmental corporation exclusively proprietary in intent may be a theoretical possibility, but in practice many other functions are involved besides the proprietary one."

Although Federal Government corporations have been incorporated in several ways (Appendix III, pp. 180-194), the author points out that a majority of them were organized by federal officers who availed themselves of the incorporation laws of several of the states and the District of Columbia. This incorporation under state laws has been vigorously attacked both in and out of Congress, but the author concludes that most of the adverse criticism has not been justified by experience.

The chief difficulty caused by incorporation under state law is that it creates an uncertain sphere of power between the Federal and State Governments. But this same difficulty also has occurred when Government corporations were not organized under state law. The conclusion of the author would seem to be justified that this "conflict between state and federal authorities over the control of governmental corporations can be minimized only to the extent to which Congress can be precise in its desires."

Chapters II and III are closely related. They deal with the taxing power

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